

Notice of Allowability

Application No.

09/853,706

Examiner

Justin P. Misleh

Applicant(s)

HIRAMATSU ET AL.

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment submitted JULY 8, 2005.
2. ☒ The allowed claim(s) is/are 3 - 7 and 17 - 21, now renumbered 14 - 10, respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>12/11/01</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this Examiner's Amendment was given in a telephone interview with Michael J. Didas on Sept. 19, 2005.
3. The application has been amended as follows:

CLAIMS

- **Claim 19 (line 1)** – please delete “25”

Allowable Subject Matter

4. **Claims 3 – 7 and 17 – 21** (now renumbered 1 – 10, respectively) are allowed.
5. The following is an Examiner's statement of reasons for allowance:
6. The following is a statement of reasons for the indication of allowable subject matter:

The closest prior discloses an image input apparatus and corresponding method of operating thereof, including the following components/steps:

image pickup means/step for converting an optical image from an object into electrical image information and accumulating the electrical image information, shielding means/step for shielding said image pickup means from incidence of the optical image, and processing means/step for processing the image information from said image pickup means,

wherein said processing means/step comprises first image information acquiring means/step for acquiring first image information by closing said shielding means before image pickup, second image information acquiring means/step for repetitively acquiring, a first predetermined number of times with said shielding means open, second image information accumulated in said image pickup means within a predetermined period, first subtraction processing means/step for executing a subtraction process between each acquisition result from said second image information acquiring means and the acquisition result from said first image information acquiring means, first addition means/step for adding the subtraction results from said first subtraction processing means.

However, the closest prior art does not teach or fairly suggest the image input apparatus and corresponding method of operating thereof, wherein the processor means/step further including the following components/steps:

third image information acquiring means/step for repetitively acquiring, a second predetermined number of times while said shielding means is closed after image pickup, third image information accumulated in said image pickup means within a predetermined period, second subtraction processing means/step for performing a subtraction process between each acquisition result from said third image information acquiring means and the acquisition result from said first image information acquiring means, second addition means/step for adding the subtraction results from said second subtraction processing means, and adding-up means/step for adding up said first and second addition means.

Art Unit: 2612

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

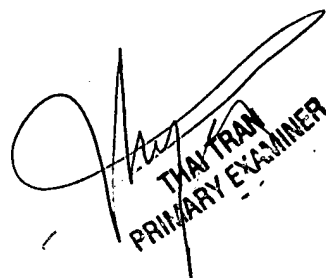
8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Thai Q Tran can be reached on 571.272.7382. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

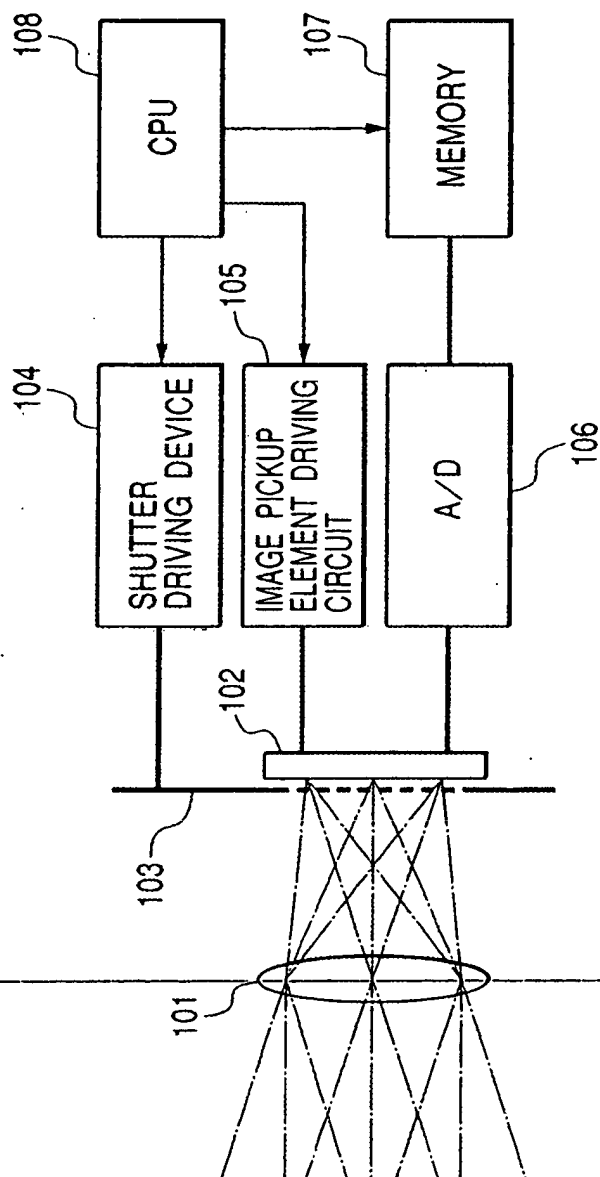
JPM

September 19, 2005


THAI TRAN
PRIMARY EXAMINER

Approval
J 9/19/05

PRIOR ART



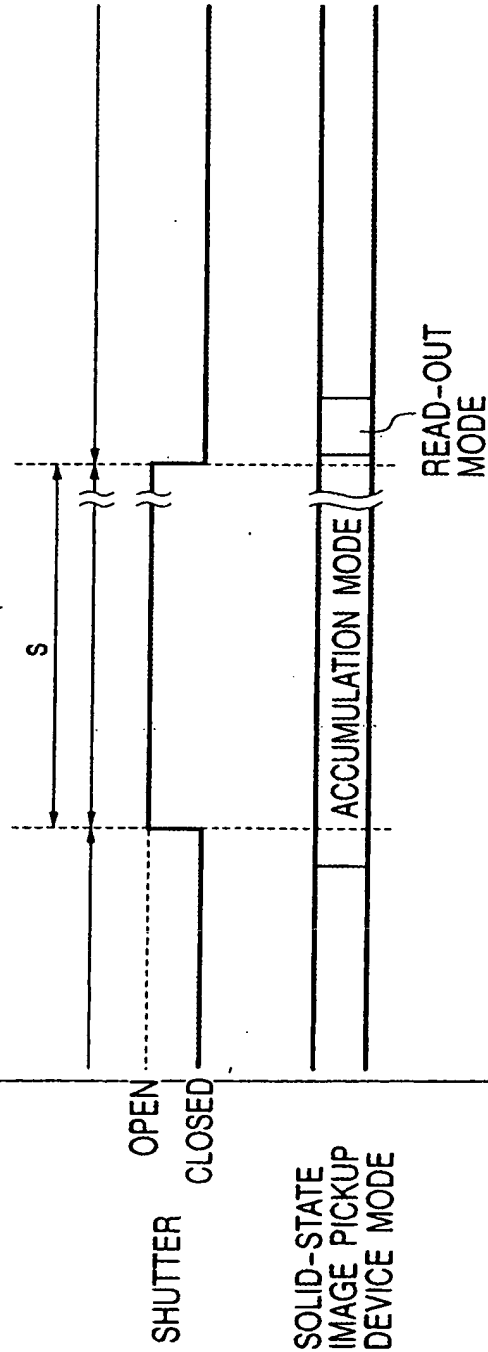
BEST AVAILABLE COPY

REPLACEMENT SHEET

2/31



FIG. 2
PRIOR ART



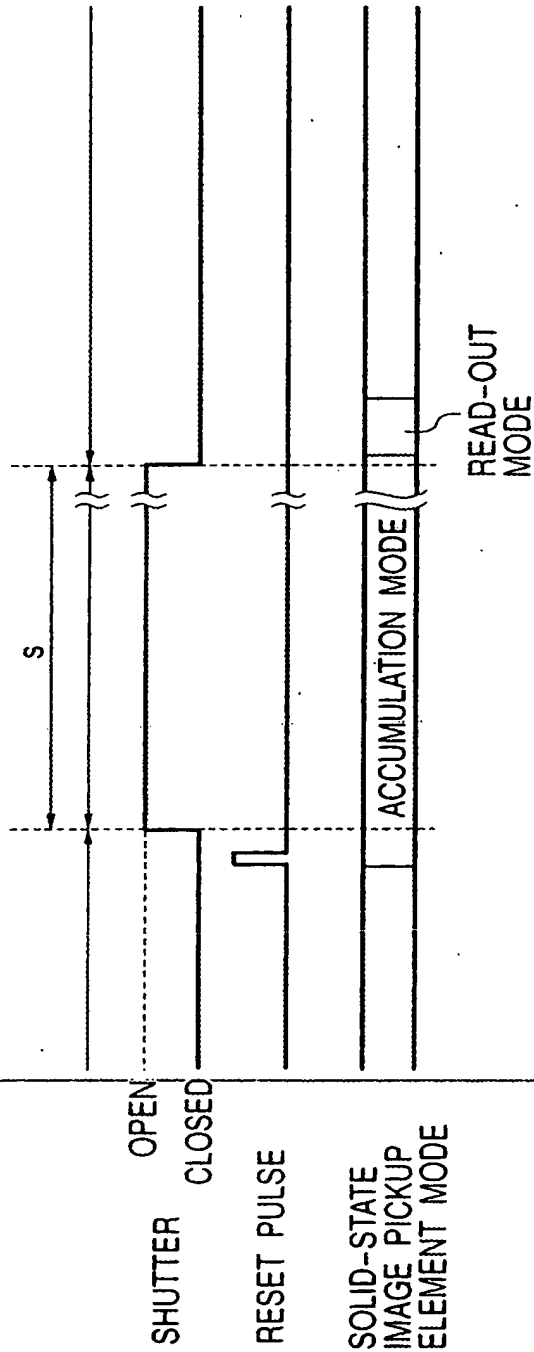
BEST AVAILABLE COPY

REPLACEMENT SHEET

3/31



FIG. 3
PRIOR ART



BEST AVAILABLE COPY

REPLACEMENT SHEET

4/31



FIG. 4
PRIOR ART

